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MAIL STOP PCT

Attorney Docket: 26581U

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Group Art Unit: Unknown

MARX, et al.

Examiner: Unknown

Serial Number: 10/524,821

International Application Number: PCT/EP2003/009622

Filing Date: February 18, 2005

International Filing Date: August 29, 2003

Title: **THE USE OF THE COMBINATION OF CICLESONIDE AND ANTIHISTAMINES FOR THE TREATMENT OF ALLERGIC RHINITIS**

TRANSMITTAL LETTER

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- (1) Transmittal Letter;
- (2) Information Disclosure Statement;
- (3) PTO Form 1449 with 34 (thirty-four) cited References;
- (4) Copies of 22 (twenty-two) cited References.

The Commissioner is hereby authorized to charge any deficiency or credit any excess to Deposit Account Number 14-0112.

Respectfully submitted,

NATH & ASSOCIATES PLLC

Date: April 27, 2005

By:

NATH & ASSOCIATES PLLC
1030 15th Street N.W., 6th Floor
Washington, D.C. 20005-1503
(202) 775-8383

Gary M. Nath
Registration Number 26,965
Sheldon M. McGee
Registration Number 50,454
Customer Number 34375

GMN/SMM/le

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FOR THE TREATMENT OF ALLERGIC RHINITIS**

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

An Information Disclosure Statement is submitted herewith pursuant to 37 C.F.R. 1.97-1.98. Please note the following particulars: [NOTE: One only of items a, b, c, and d must be checked.]

☒ a. The enclosed statement is being filed within three months of the filing date of a national application, or within three months of the date of entry into the national stage as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing date of a first Office Action on the merits, whichever event occurs last.

☐ b. The enclosed statement is being filed after a first action on the merits but before the mailing date of a final action under 37 C.F.R. 1.113, or a notice of allowance under 37 C.F.R. 1.311.

The enclosed statement is accompanied by [check one]:

☐ i. a certification in part (e) below as specified in 37 C.F.R. 1.97(e), or

☐ ii. a check in the amount required by 37 C.F.R. 1.17(p).

☐ c. The enclosed statement is being filed after the mailing date of a final action under 37 C.F.R. 1.113, or a notice of allowance under 37 C.F.R. 1.311, but before payment of the issue fee.

☐ Certification report(e) below; and

☐ a check in the amount as required by 1.17(p).

☐ d. The enclosed statement is being filed pursuant to 37 C.F.R. 1.97(i), for placement in the file.

☐ e. Certification [Check one] [Certification is required only if box (b)(i) or box (c) is checked.]

☐ I hereby certify that each item of information contained in the enclosed Information Disclosure Statement was cited in a communication from a foreign patent office

in counterpart foreign application not more than
th months prior to the filing of this statement,

or

[] I hereby certify that no item of information in the enclosed Information Disclosure Statement herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

or

[] Appropriate certification is attached.

[XXX] f. If no check is enclosed and a fee is due in connection with this communication or if the check enclosed is insufficient, the Commissioner is authorized to charge any fee or additional fee due in connection with this communication to Deposit Account No. 14-0112.

[XXX] g. Copies of the documents are attached herewith with a completed Form PTO-1449.

or

[] Copies of the documents are not attached as allowed under CFR 1.98(d)(1)(2). The earlier application is identified as:

and/or

[XXX] Copies of US Patents/Publications not attached as allowed in Official Gazette Aug. 5, 2003/ Vol. 1273, no. 1.

The Examiner is respectfully requested to cite the documents listed on the attached Form PTO-1449 in the next Office Action. In so doing, the Examiner is respectfully requested to initial in the space adjacent to the listing of each document on the Form PTO-1449, and return a copy of the initialed Form PTO-1449 with the next communication to Applicants, to confirm that these documents have been considered by the Examiner and made of record in this application.

If the Examiner has any questions or wishes to discuss this application, kindly telephone the undersigned at the below-listed number.

Respectfully submitted,

NATH & ASSOCIATES PLLC

Date: *April 27*, 2005

By: 

NATH & ASSOCIATES PLLC
1030 15th Street N.W., 6th Floor
Washington, D.C. 20005-1503
(202) 775-8383

Gary M. Nath
Registration Number 26,965
Sheldon M. McGee
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Customer Number 34375

FORM PTO-1449		Atty. Docket: 26581U		Ser. Number: 10/524,821	
INFORMATION DISCLOSURE CITATION		Inventor: MARX, et al.		Filing Date: February 18, 2005 Group Art Unit: Unknown	

U.S. PATENT DOCUMENTS							
Examiner Initial	Document Number	Issue Date	Name	Class	Sub-Class	Filing Date	
	A1	5,733,901 A (corresponds to WO 94/22899 A1)	31 Mar. 1998	Gutterer		31 Mar. 1994	
	A2	6,767,901 B1 (corresponds to WO 01/28562 A1)	27 Jul. 2004	Nagano et al.		20 Oct. 2000	
	A3	6,297,227 B1	02 Oct. 2001	Johnson		09 Sep. 1999	
	A4	5,164,194 A	17 Nov. 1992	Hettche		12 Jul. 1990	
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A14	01/22955 A2 + A3	05 Apr. 2001	WO		Abstract		
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A31	Portmann, D., et al., "Acceptability of local treatment of allergic rhinitis with a combination of a corticoid (beclometasone) and an antihistaminic (azelastine)", <u>Rev-Laryngol-Otol-Rhinol</u> , Vol. 121, No. 4, Pgs. 273-279, (2000).
A32	Mattila, M.J., et al., "Variations among non-sedating antihistamines: are there real differences?", <u>Eur J Clin Pharmacol</u> , Vol. 55, Pgs. 85-93, (1999).
A33	Schmidt, B.M.W., et al., "The New Topical Steroid Ciclesonide Is Effective in the Treatment of Allergic Rhinitis", <u>J Clin Pharmacol</u> , Vol. 39, Pgs. 1062-1069, (1999).
A34	Busse, W.W., et al., "Corticosteroid-sparing Effect of Azelastine in the Management of Bronchial Asthma", <u>Am J Respir Crit Care Med</u> , Vol. 153 Pgs. 122-127, (1996).

Examiner	Date Considered
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP ' 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.